



DOCKET NUMBER
PROPOSED RULE **PR 72+150**
(65FR37712)

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PECO NUCLEAR
A Unit of PECO Energy

PECO Energy Company
200 Exelon Way
Kennett Square, PA 19348

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August 28, 2000

AD

Secretary
U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
Washington, DC 20555-0001

Subject: Comments Concerning Proposed Rule for "Interim Storage for Greater Than Class C Waste" (65FR37712, dated June 16, 2000)

Dear Sir:

This letter is being submitted in response to the NRC's request for comments concerning Proposed Rule for "Interim Storage for Greater Than Class C Waste" which was published in the Federal Register (i.e., 65FR37712, dated June 16, 2000). The NRC is proposing to amend its regulations to allow licensing for interim storage of greater than class C (GTCC) waste in a manner that is consistent with licensing the interim storage of spent fuel and would maintain Federal jurisdiction for storage of reactor-related GTCC waste. These proposed amendments would also simplify and clarify the licensing process.

PECO Energy appreciates the opportunity to comment on this proposed rule. We believe that the proposed rule provides for a licensing process that will be simpler with less regulatory burden if all radioactive waste to be stored at an Independent Spent Fuel Storage Installation is stored under the authority of a single 10CFR Part 72 license under the NRC's jurisdiction.

Specific comments on the Proposed Rule are provided at Attachment 1.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

PECO Energy Company

James A. Hutton, Jr.
Director - Licensing

Attachments

Template = SECY-067

SECY-02

ATTACHMENT 1

Comments on Proposed Rule for Interim Storage for Greater Than Class C Waste

1. As the discussion section of the proposed rule identifies, a reactor licensee who has a 10 CFR Part 50 license can store Greater Than Class C (GTCC) waste generated at the reactor site under the 10 CFR Parts 30 and 70 authority included in the 10 CFR Part 50 license. In the proposed regulatory action section of the proposed rule it is stated that the current availability of storing GTCC waste under the authority of a 10 CFR Part 30 or 70 license would not be eliminated. However, it was observed that a licensing process conducted under these regulations would be more complicated and resource intensive because the licensee would need to develop new proposed storage criteria and the NRC would then need to review and approve these criteria.

GTCC waste that is safely stored by a 10 CFR Part 50 licensee under the 10 CFR Parts 30 and 70 authority included in the license will not be impacted by administrative licensing actions. GTCC waste will continue to be safely stored until it can be disposed of in a geologic repository. The GTCC waste storage criteria presently being used and found sufficient under the 10 CFR Parts 30 and 70 authority included in the 10 CFR Part 50 license should be sufficient for use when the 10CFR50 license is terminated and 10CFR30 and 10CFR70 licenses are required. Therefore, the response to the request for public input on issue 6 is that no additional guidance on storage criteria is needed to provide for a more efficient licensing process.

2. The wording proposed for 10CFR72.40(b) must be revised. As proposed, it would deny a license if construction on the facility begins before a finding approving issuance of the license with any appropriate conditions to protect environmental values. As identified in the discussion section of the proposed rule, a general license under 10CFR72.210 would terminate when the 10CFR Part 50 license terminates and the reactor licensee would need to apply for a specific license under 10CFR72 in order to continue to store spent fuel at the reactor site. The Independent Spent Fuel Storage Installation (ISFSI) licensed under 10CFR72.210 is very likely to have been designed, constructed, and operated for years prior to the need to apply for a specific license under 10CFR72. With the proposed words for 10CFR72.40(b), the application to convert a general license to a specific license for an existing ISFSI would be denied.

3. This proposed rule should indicate clearly which sections apply to a general license and which sections do not. A separate proposed rule that clarifies the applicability of 10CFR72 to a general license is pending. The regulations should provide for the storage of GTCC waste at an ISFSI for both general and specific licenses until such time that the 10CFR50 license terminates. An associated change to the Standard Review Plan to clarify the regulations after their issuance should be given high priority.